

REMARKS

Claims 37-47 have been canceled without prejudice or disclaimer of the subject matter therein. The Applicants specifically reserve the right to file one or more divisional applications directed to that subject matter. Claims 25, 27-29, 31, 34-36, and 48 have been amended. Support for the amendments can be found in paragraphs [0054]-[0059] of the Applicant's Specification, which describe a seamless stainless steel pipe, and the original claims. Claims 26, 30, 32, and 33 have been cancelled without prejudice or disclaimer as redundant in light of the amendments to the still-pending claims.

Rejection under 35 U.S.C. §112, second paragraph

Claims 25-32 and 34-36 stand rejected under 35 U.S.C. §112, second paragraph for allegedly failing to point out or distinctly claim the subject matter regarded as the invention. Specifically, the Official Action alleges that the term "about" is not defined by the claims and the Specification does not provide the a standard for ascertaining the requisite degree.

The Applicants respectfully disagree. The term "about" is well known to those in this art as demonstrated in the thousands of issued patents regularly using the term. Claim 25 has been amended without prejudice or disclaimer to delete occurrences of "about" to facilitate early allowance. Thus, Claim 25 should be read and interpreted as if the "about" language remained intact. In light of the amendment of Claim 25, the Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. §102

Claims 25-29, 32-33 and 48 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Kushida. The Official Action alleges that Kushida discloses species of highly corrosion resistant strength stainless steel pipe for linepipe.

However, Claim 25 has been amended to recite "a highly corrosion resistant high strength seamless stainless steel pipe." Kushida specifically discloses a welded pipe and does not disclose, teach or suggest a seamless pipe. Accordingly, the Applicants respectfully submit that Kushida does not anticipate Claims 25-29, 32-33 and 48 because the disclosure of the welded corrosion resistant pipe in Kushida fails to teach each and every element of those claims. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 30-31 and 34-36 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over Kushida. Specifically, the Official Action states that Kushida discloses a copper content that overlaps the range recited in Claims 30 and 31.

The Applicants respectfully submit that, in light of the amendment of Claim 25 to recite a seamless stainless steel pipe, the rejected claims are not obvious even in view of the copper content or other phase percentages disclosed in Kushida. As discussed above, Kushida does not disclose a seamless pipe as recited in Claims 30-31, but is rather concerned only with welded pipes. Indeed, the express goal of Kushida is to create a welded stainless steel pipe that is specifically resistant to corrosion at the seam weld on the internal side of the pipe. Kushida further states that, although thin-walled, small-diameter seamless pipes have been proposed, “large-diameter, thick-wall welded pipes... are more and more desired.” (See Kushida, col. 2, ln. 26-28.)

Therefore, the Applicants respectfully submit that one skilled in the art would not look to Kushida for guidance in making a seamless pipe because Kushida teaches only welded pipe and its advantages. Furthermore, one skilled in the art would not be motivated by Kushida to make a seamless stainless steel pipe because Kushida suggests that seamless pipes are inferior to welded pipes. Accordingly, the Applicants respectfully submit that the rejected claims are not obvious over Kushida and respectfully request reconsideration and withdrawal of the rejection.

Double Patenting

Claims 25-36 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-12 of co-pending U.S. Application No. 10/568,154. The Applicants respectfully submit that since the rejection is provisional, action is not necessary at this time.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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